

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

PEOPLENET COMMUNICATIONS
CORPORATION, a Minnesota
corporation,

Civil No. _____

Plaintiff,

v.

R & L CARRIERS, INC., an Ohio
corporation,

**COMPLAINT FOR DECLARATORY
JUDGMENT OF NON-
INFRINGEMENT AND INVALIDITY,
INCLUDING DEMAND FOR JURY
TRIAL**

Defendant.

Plaintiff PeopleNet Communications Corporation (“PeopleNet”) complains against Defendant R & L Carriers, Inc. (“R&L”), and alleges as follows:

PARTIES

1. PeopleNet is a Minnesota corporation with its principal place of business in Chaska, Minnesota.
2. R&L Carriers is an Ohio corporation with its principal place of business in Wilmington, Ohio.

JURISDICTION AND VENUE

3. This is a declaratory judgment action brought by PeopleNet pursuant to 28 U.S.C. §§ 2201 and 2202 seeking a declaration that United States Patent No. 6,410,078 (the “078 Patent”) entitled “Bill of Lading Transmission And Processing System For Less Than Load Carriers” allegedly owned by R&L, is not infringed and is invalid. A true and correct copy of the ‘078 Patent is attached to the complaint as Exhibit A.

4. This action arises under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq*, and under the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202. Subject matter jurisdiction over this action is conferred by this Court 28 U.S.C. §§ 1331 and 1338. Venue is proper under 28 U.S.C. § 1391.

5. R&L has transacted business within the State of Minnesota, has otherwise purposefully availed itself of the privileges and benefits of the laws of the State of Minnesota, and is therefore subject to the jurisdiction of this Court.

FIRST CLAIM FOR RELIEF:
DECLARATORY JUDGMENT OF NON INFRINGEMENT OF U.S. PATENT
NO. 6,410,078

6. PeopleNet hereby incorporates all of the preceding allegations of this Complaint into the First Claim of Relief as though set forth fully herein.

7. R&L claims that it is the owner of the '078 Patent. PeopleNet is engaged in the business of providing fleet management products to commercial carriers.

8. R&L has asserted that PeopleNet's manufacture and sale of certain fleet management products and services, including the alleged instructed use of same, constitute infringement of the '078 Patent and has demanded PeopleNet cease and desist alleged infringing activities, thereby giving rise to a reasonable apprehension of suit on the part of PeopleNet and a resulting case or controversy between the parties relating to the '078 Patent.

9. PeopleNet's manufacture, sale, use and/or importation of its fleet management products and services are not an infringement of the '078 Patent.

10. Wherefore, PeopleNet prays for judgment as set forth hereinafter.

SECOND CLAIM FOR RELIEF:
DECLARATORY JUDGMENT OF PATENT INVALIDITY OF U.S. PATENT
NO. 6,410,078

11. PeopleNet hereby incorporates all of the preceding allegations of this Complaint into the Second Claim of Relief as though set forth fully herein.

12. One or more claims of the '078 Patent are invalid for failure to meet the conditions of patentability and/or otherwise comply with one or more of the requirements of 35 U.S.C. §§ 100, 101, 102, 103, 112, and 132.

13. Wherefore, PeopleNet prays for judgment as set forth hereinafter.

RELIEF

WHEREFORE, PeopleNet prays for the following relief:

A. A declaration that PeopleNet does not infringe any of the claims of United States Patent No. 6,401,078;

B. A declaration that one or more claims of United States Patent No. 6,401,078 are invalid;

C. A preliminary and permanent injunction enjoining R&L, its officers, agents, servants, employees, and attorneys and those in active concert or participation with them from asserting that PeopleNet, its products, and/or customers infringe or have infringed the '078 Patent;

D. A preliminary and permanent injunction enjoining R&L, its officers, agents, servants, employees, and attorneys and those in active concert or participation with them from instituting or prosecuting any lawsuit or proceeding placing in issue the

right of PeopleNet to make, use, sell, or offer to sell the products and/or services which allegedly infringe the '078 Patent;

E. An award of costs;

F. A declaration that this case be declared an exceptional case under 35 U.S.C.

§ 285 and that PeopleNet be awarded its attorney fees; and

G. PeopleNet be awarded such other and further relief to which it may be entitled.

DEMAND FOR JURY TRIAL

PeopleNet hereby demands a trial by jury in this action.

Dated: January 22, 2009

FULBRIGHT & JAWORSKI, L.L.P.

s/Douglas J. Williams

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**PEOPLENET COMMUNICATIONS
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